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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/828,695 | 04/21/2004 | Steven Roy Gosewehr | | 7087 |

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04/07/2006

EXAMINER

SHAH, AMEE A

ART UNIT PAPER NUMBER

3625

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/828,695

Applicant(s)

GOSEWEHR, STEVEN ROY

Examiner

Amea A. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/25/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-12 are pending in this action.

Information Disclosure Statement

The information disclosure statement filed June 25, 2004, fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein regarding the non-patent literature has not been considered.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(m) and (p) because (1) they contain improper shading that does not aid in the understanding of the invention and will not reproduce properly; and (2) they contain text that is almost illegible as being too small and will not reproduce properly.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Examiner Note

Examiner cites particular pages, columns, paragraphs and/or line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Liebman, U.S. Pat. App. Pub. No. 2003/0046166 A1, cited by Applicant (hereinafter referred to as “Liebman”).

Referring to claim 1. Liebman discloses a method for electronically communicating product information to customers, accepting, and processing orders for food service related products utilizing an animated guide that interacts graphically and by audio with users such as customers and employees and helps to prompt said users through ordering and order processing, comprising the steps of:

- providing a first means for displaying said animated guide (pages 2-3, ¶¶0030-0031 – note that the means for displaying is the touch-screen panel),
- providing a second means for the customer to interact with said system by inputting responses to product options presented to said user on said display means (pages 2-3, ¶¶0030-0021 – note the means for interacting is the touch-screen panel),
- providing a third means for said system to respond to input of said user (page 3, ¶¶0031-0032),
- providing a fourth means of payment input so that said customer can pay for their order (page 3, ¶¶0031-0033),
- providing a fifth means for said system to process said payment (page 3, ¶¶0032-0033),
- providing a sixth means for said system to acknowledge receipt of said customer's payment and complete the method of transaction (page 3, ¶¶0032 – note the means for acknowledgement is the printed receipt),

whereby said customer will be able to complete an entire order and transaction quickly and easily without the assistance of a human employee by interacting with said animated guide.

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Referring to claim 2. Liebman further discloses the method of claim 1 wherein said user of said system interacts with said system by touching items on a means for accepting physical interaction, which could include touching said screen and typing on a keyboard (page 3, ¶¶0030-0031 – note the means for interaction is the touch-screen panel).

Referring to claim 3. Liebman further discloses the method of claim 1 wherein said user of said system interacts with said system by voice commands that are processed using a means for voice recognition (page 3, ¶¶0034 and 0036).

Referring to claim 4. Liebman further discloses the method of claim 1 wherein said means for inputting payment includes the ability to read magnetic cards such as credit cards and debit cards (page 3, ¶¶0032-0033).

Referring to claims 7-10. All of the limitations in apparatus claims 7-10 are closely parallel to the limitations of method claims 1-4, analyzed above and are rejected on the same bases.

Claims 1, 5-7, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Dev et al., U.S. Pat. App. Pub. No. 2004/0158499 A1 (hereinafter referred to as “Dev et al.”).

Referring to claim 1. Dev et al. discloses a method for electronically communicating product information to customers, accepting, and processing orders for food service related

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products utilizing an animated guide that interacts graphically and by audio with users such as customers and employees and helps to prompt said users through ordering and order processing, comprising the steps of:

- providing a first means for displaying said animated guide (page 3, ¶0044 – note that the means for displaying is the touch-screen),
- providing a second means for the customer to interact with said system by inputting responses to product options presented to said user on said display means (page 3, ¶0044 – note the means for interacting is the touch-screen),
- providing a third means for said system to respond to input of said user (page 3, ¶0044),
- providing a fourth means of payment input so that said customer can pay for their order (page 3, ¶0044),
- providing a fifth means for said system to process said payment (page 3, ¶0044),
- providing a sixth means for said system to acknowledge receipt of said customer's payment and complete the method of transaction (pages 3 and 6, ¶¶0044 and 0075 – note the means for acknowledgement is the printed receipt),

whereby said customer will be able to complete an entire order and transaction quickly and easily without the assistance of a human employee by interacting with said animated guide.

Referring to claim 5. Dev et al. further discloses the method of claim 1 wherein said means for inputting payment includes the ability to accept hard currency such as paper money

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and the ability to dispense change (page 3, ¶0044 – note the means for inputting payment can include a bill acceptor, bill dispenser, and coin acceptor/dispenser).

Referring to claim 6. Dev et al. further discloses the method of claim 1 wherein said means for processing said payment is handled by a 3rd party means of processing payments external to said system (pages 4 and 5, ¶¶0053 and 0069 – note the third party is the credit authorization bureau).

Referring to claims 7, 11 and 12. All of the limitations in apparatus claims 7, 11 and 12 are closely parallel to the limitations of method claims 1, 5 and 6, analyzed above and are rejected on the same bases.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Coutts, U.S. Pat. No. 5,752,239, discloses a self-service terminal using animated guides (*see entire document*).

(2) Camaisa et al., U.S. Pat. No. 5,845,263, cited by Applicant, discloses a system and method for electronically ordering food with a touch-screen including means to communicate product information, accept and process orders with an animated guide, accept payments and provide receipts (*see entire document*).

(3) Struthers et al., U.S. Pat. App. Pub. No. 2003/0075600 A1, discloses a method and apparatus for electronically communicating product information to customers, accepting and processing orders using an animated guide that interacts graphically and by audio with users (*see* entire document).

(4) Sturr, Jr., U.S. Pat. App. Pub. No. 2004/0143512 A1, discloses a system and method for ordering food related items from a kiosk with a user interface using dynamic imaging and texting display, means to interact with and respond to customers, means for accepting payment, and means to acknowledge receipt of payment (*see* entire document).

(5) Ramsey, WO 9628791 A1, discloses an unattended system for selling and dispensing, including electronically communicating product information to customers, accepting and processing orders using an animated guide that interacts graphically and by audio with users, accepting payments and providing receipts (*see* entire document).

(6) Stafford, Leon, "Fast Food to Hit Screens," The Atlanta Journal-Constitution, Atlanta, GA, Jul 26, 2002, pg. F.4, discloses a system and method to incorporate touch-screens with animated menu boards that will allow customers to place food orders electronically.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amee A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Fadok can be reached on 571-272-6755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAS
April 3, 2006


J. C. Gao
Primary Ex